

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

An abstract on a separate sheet required by the Examiner is provided with this Amendment. The Examiner also requests that headings being placed in the specification. Suitable headings have been added by amendment. Withdrawal of the objection to the specification are respectfully requested.

Claims 1-8, 11, and 22-26 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,498,843 to Cox. This rejection is respectfully traversed.

Cox describes intercepting and monitoring signals in a network typically referred to as "wiretapping." In contrast to the independent claims of the present application, Cox is not concerned with the problems associated with virtual subscriptions. Virtual subscriptions are different from physical or real subscriptions associated with a physical or logical line to a network. In other words, a physical or real subscription is associated with a predetermined access point to the network, e.g., a physical line as in a PSTN or a logical access point as in a mobile telephone system. Each real subscription is "accessed-based" in the sense that a subscriber access is directly associated with the subscriber. In contrast, virtual subscription (made possible by intelligent network functions) provide a subscriber with a subscription that is not associated with an access to the network. Nevertheless, a virtual subscription appears to other subscriptions like a physical or real subscription. Virtual subscriptions include both dialable type and non-dialable type subscriptions. Figure 4a schematically represents an example, non-dialable virtual subscription where the subscription is designed for outgoing calls, i.e., calls may only be placed, but no one can call the subscription from the network. Figure 4b

shows a schematic example illustration of a dialable virtual subscription where the subscription is only designed for incoming calls.

Claim 1 recites that the service provision means is arranged to set up calls for virtual subscribers, e.g., "provide at least one service according to which said service provision means are able to set up calls in said at least one switching node in response to the request of a user of said at least one service." The service provision means also adds "user identification information to the call data" which identifies the "user of said service requesting that a call be set up." Similar recitations are found in claim 26. Thus, in spite of the fact that the user is a virtual subscriber who can access the network via any access point, the addition of the user identification information makes it possible to perform an interception associated with that specific user. In other words, if the subscriber is a virtual subscriber, the virtual subscriber's access point through the network does not provide a trigger for an interception operation because it is not specifically associated with the user. This problem is overcome by the addition of the user identification information to the call data.

Cox simply describes the conventional situation of identifying a target telephone number (see Figure 5) or a signal associated with the given target (see Figure 6), and then performing an interception operation. Cox says nothing about virtual subscriptions. Cox certainly does not disclose or suggest adding user identification information to a call as being set up under a virtual subscription. Indeed, all embodiments described in Cox use information already contained in the call such as the calling telephone number and the called telephone number. See column 4, line 56-column 5, line 5.

In the conventional call interception system of Cox, i.e., one based on a calling number or a called number, if one desires to intercept calls of a particular person based on the calling (or

called) number, that calling (or called) number must be programmed into the intercept unit/entity. But if a person uses a telephone with which that person is not regularly associated, such as a hotel phone or a public phone (as opposed to a home or an office phone), it is very unlikely that a monitoring agency will include a hotel number or a public telephone number in a set of numbers to be monitored. Because the interception of a call from a hotel or public phone is very unlikely with Cox's system, using a hotel or public phone to trigger a virtual subscription (which can be either non-dialable or dialable) would not result in an interception in Cox. In contrast, the service provision means in claims 1 and 26 adds an identifier for the user so that user calls via the user's virtual subscription can be intercepted regardless of where the user is physically calling from, and regardless of the fact that the user is using a virtual subscription.

The Examiner contends that the IAM information described in Cox may be used for the purpose of interception. The text at column 2, lines 10-16 neither discloses nor suggests letting a virtual subscription add user specific information to a call being set up. This is because in Cox's conventional system, the user's call to the virtual subscription service already identifies the telephone terminal the user is calling from. As a result, if that specific telephone terminal identifier is not monitored, that call will not be intercepted. This is the case in the hotel and public telephone example scenarios described above.

New claim 35 recites an apparatus that sets up "a call in one of the switching nodes in response to a virtual subscriber requesting that a call be set up" and that adds "virtual subscriber identification information to call data of the set up call." New method claim 44 recites "providing a communications service to set up a call in at least one switching node in response to a request of a virtual subscriber for service" coupled with the step of "adding virtual subscriber identification information to the call data of the set up call." These features related to virtual

subscribers and virtual subscriptions are neither disclosed nor suggested by Cox. Withdrawal of the anticipation rejection based on Cox should be withdrawn.

Claims 9, 10, 12-21 and 27-34 stand rejected under 35 U.S.C. §103 as being unpatentable over Cox in view of U.S. Patent 6,370,241 to Clark. This rejection is respectfully traversed.

Regarding claim 27, the Examiner refers to the rejection of claims 1, 12, 16, and 17. In the rejection of claim 16, the Examiner fails to recite any prior art but instead argues that providing a monitoring agency with access to a user data "would be obvious...as it merely relates to how much access of user data is allowed." Because neither Cox nor Clark discloses any such feature, this is clearly a hindsight argument. The Examiner fails to point out where Cox or Clark address the problems associated with virtual subscriptions and how a call associated with a virtual subscriber would be intercepted.

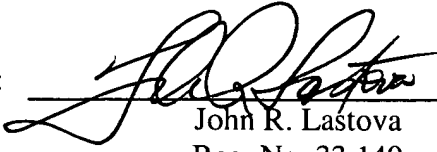
In rejected claim 17, the Examiner alleges that Cox is able to send and intercept a call based on a user changing data, relying on text at column 6, lines 28-32. But the cited passage in Cox does not relate to changes to the user data by the user but rather only relates to monitoring for changes in the call itself. Although Cox appears to suggest monitoring for changes in an ongoing call, Cox does not disclose or suggest monitoring for changes in subscription data. Nor does Clark overcome these deficiencies in Cox. Therefore, the combination Cox and Clark, even if the combination could be made for purposes of argument only, fails to disclose or suggest all the features recited in independent claim 27.

The application is in condition for allowance. An early notice to that effect is earnestly solicited.

BERN et al.
Appl. No. 09/897,896
October 19, 2004

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
John R. Lastova
Reg. No. 33,149

JRL:at
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100